



US Army Corps  
of Engineers  
Alaska District

Regulatory Division (1145)  
CEPOA-RD-EJ  
8800 Glacier Highway, Suite 106  
Juneau, Alaska 99801-8079

# Public Notice of Application for Permit

**PUBLIC NOTICE DATE:** February 12, 2007

**EXPIRATION DATE:** March 13, 2007

**REFERENCE NUMBER:** POA-2007-295-4

**WATERWAY:** Bear Creek

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for certain work in waters of the United States (U.S.) as described below and shown on the attached plan.

**APPLICANT:** City and Borough of Juneau, Parks and Recreation Department, Mr. Bob Grochow, 155 South Seward Street, Juneau, Alaska 99801-1397.

**AGENT:** Trail Mix, Incorporated, Mr. James King, Post Office Box 35693, Juneau, Alaska 99803-5693, telephone (907) 790-6406, fax (907) 7902549, or by email at [trailmix@alaska.com](mailto:trailmix@alaska.com).

**LOCATION:** The proposed project is located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of Section 26, T. 41 S., R. 61 E., Copper River Meridian; Latitude 58.278° N., Longitude 134.401° W., Juneau B-2 Alaska Quadrangle; adjacent to Crow Hill Drive, Juneau, Alaska. It has been assigned number POA-2007-295-4, Bear Creek, which should be referred to in all correspondence with us.

**PURPOSE:** To improve the existing Gastineau Meadows Trail by constructing a single walking trail that would be approximately 4,700 feet long and would cover approximately 0.76 acres. The proposed project would consolidate the existing braided trails into one trail, which would prevent further erosion and damage to the uplands, wetlands and drainages that the proposed trail would cross. The improved trail would also provide improved public access to the existing Treadwell Ditch Trail.

**WORK:** Place approximately 2,450 cubic yards of various fill materials, filter fabric, timbers, and culverts into waters of the U.S., including wetlands, for the purpose of improving and constructing a single trail approximately 4,700 feet long, 7 feet wide and 2 feet deep, that would cover approximately 32,900 square feet (0.76 acres). All work would be accomplished in accordance with the attached plans and drawings, Sheets 1-8, dated January 24, 2007. A total of 21 culverts would be installed along the trail at the various drainage crossings.

**ADDITIONAL INFORMATION:** For additional information on this proposed project, please contact the agent at Trail Mix, Incorporated, Mr. James King, Post Office Box 35693, Juneau, Alaska 99803-5693, telephone (907) 790-6406, fax (907) 7902549, or by email at [trailmix@alaska.com](mailto:trailmix@alaska.com).

**MITIGATION:** As a result of early project planning the applicant has incorporated into the proposed project the following efforts to reduce impacts to the aquatic environment:

- a. Utilize the existing trail corridor for placement of the proposed trail, which would minimize impacts by reducing the amount of vegetation clearing, and by keeping the trail on an area that has already been impacted by previous foot traffic.
- b. No overburden would be placed outside of the existing trail corridor.
- c. Use of a fabric filter beneath the proposed trail fills to reduce siltation effects.
- d. Use of a porous base fill to allow for water movement under and through the trail base.
- e. Installation of culverts at all drainages that the trail would cross to facilitate water movement and to prevent trail washouts.

**WATER QUALITY CERTIFICATION:** A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

**COASTAL ZONE MANAGEMENT ACT CERTIFICATION:** Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

**CULTURAL RESOURCES:** The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There is an unevaluated property in the vicinity of the worksite. It has been designated Treadwell Ditch. Because the property has been determined to be outside of the project area, no further action is required. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

**TRIBAL CONSULTATION:** The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their

participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

**ENDANGERED SPECIES:** No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

**ESSENTIAL FISH HABITAT:** The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated Federal regulations found at 50 CFR 600 Subpart K. EFH, including Habitat Areas of Particular Concern (HAPC), in the Alaska District are described for species managed under a Federal Fishery Management Plans. We have reviewed the NMFS and North Pacific Fishery Management Council's Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska (April 2005) to locate and identify EFH in the vicinity of the proposed action. We have also reviewed the NMFS Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis for Amendments 65/65/112/7/8 to the Bering Sea Aleutian Islands Groundfish Fishery Management Plan (#65), Gulf of Alaska Groundfish Fishery Management Plan (#65), Bering Sea Aleutian Islands Crab Fishery Management Plan (#12), Scallop Fishery Management Plan (#7), and the Salmon Fishery Management Plan (#8) and Regulatory Amendments to Provide Habitat Areas of Particular Concern (April 2005) to locate and identify HAPC in the vicinity of the proposed action.

The project is not located within areas described as EFH.

The project is not located in any HAPC.

We have determined that the described activity within the proposed area would not adversely affect EFH, and would not adversely affect HAPC. The proposed trail would cross through a Palustrine emergent wetland and twenty one small drainages that feed into Bear Creek, which is not an anadromous fish stream, but does drain into Gastineau Channel. With the use of a course base fill, filter fabric and the installation of culverts in all drainages that the trail crosses, water movement in the wetlands and drainages should not be greatly altered, which would minimize any possible adverse impact on any EFH downstream from Bear Creek in Gastineau Channel.

This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for Federally managed fish will also be considered in our final assessment of the described work.

**SPECIAL AREA DESIGNATION:** None.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The

benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Garth Zimbelman at (907) 790-4490, or by email at [garth.a.zimbelman@poa02.usace.army.mil](mailto:garth.a.zimbelman@poa02.usace.army.mil) if further information is desired concerning this notice.

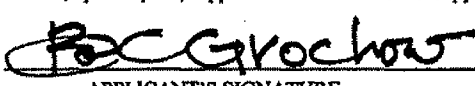
**AUTHORITY:** This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)		OMB APPROVAL NO. 0710-0003 Expires December 31, 2004	
<p>The Public burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.</p>			
PRIVACY ACT STATEMENT			
<p>Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research and Sanctuaries Act, 33 USC 1413, Section 103. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.</p> <p>One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.</p>			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)			
1. APPLICATION NO. <b>POA-2007-295</b>	2. FIELD OFFICE CODE <b>LAUDSON CREEK</b>	3. DATE RECEIVED <b>24 JAN 2007</b>	4. DATE APPLICATION COMPLETED
(ITEMS BELOW TO BE FILLED BY APPLICANT)			
5. APPLICANT'S NAME City and Borough of Juneau, Parks and Recreation Department Bob Grochow, Parks and Landscape Superintendent		8. AUTHORIZED AGENT'S NAME AND TITLE ( <i>an agent is not required</i> ) Trail Mix, Inc. James King, Executive Director	
6. APPLICANT'S ADDRESS 155 South Seward Street Juneau, AK 99801		7. AGENT'S ADDRESS P.O. Box 35693 Juneau, AK 99803	
7. APPLICANT'S PHONE NOS. W/AREA CODE		10. AGENT'S PHONE NOS. W/AREA CODE	
a. Residence		a. Residence	
b. Business 364-3388		b. Business 790-6406	
11. STATEMENT OF AUTHORIZATION			
<p>I hereby authorize <u>Trail Mix, Inc. James King</u> to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.</p>			
 APPLICANT'S SIGNATURE		<u>1/23/2007</u> DATE	
NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY			
12. PROJECT NAME OR TITLE ( <i>see instructions</i> ) Gastineau Meadows Trail			
13. NAME OF WATERBODY, IF KNOWN ( <i>if applicable</i> ) Gastineau Meadows		14. PROJECT STREET ADDRESS ( <i>if applicable</i> )	
15. LOCATION OF PROJECT <u>Juneau</u> COUNTY <u>Alaska</u> STATE			
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN ( <i>see instructions</i> ) Section 26, Township 41 S, Range 61 E, Copper River Meridian, Juneau B-2 SE Quadrangle, Gastineau Meadow, Douglas Island, Juneau, Alaska			
17. DIRECTIONS TO THE SITE The trail starts on the left hand side of the water tower access road approximately 1,900 feet past the gate at the end of Crow Hill Road on Douglas Island off Douglas Highway. The trail runs approximately 4,700 feet from the water tower access road to the Treadwell Ditch.			

18. Nature of Activity (Description of project, include all features)

Improving the Gastineau Meadows Trail to the Treadwell Ditch as a 6 foot wide gravel pathway. Activities include the placement of clean gravel 2 feet deep on 4,600 linear feet of trail by 7 feet wide. The trail will be built from the trailhead with small dump trucks moving the gravel onto the trail. A fabric will be placed over the existing ground. Culverts will be placed in 21 locations along the route. Some leveling of existing ground will occur with no overburden being placed outside the trail corridor. The trail corridor already exists so there will be little clearing of trees or brush necessary.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The Treadwell Ditch is a popular hiking trail and the Gastineau Meadows Trail is one of the access points to the trail. Over the years the trail has become muddy as a result many new trails across the muskeg have been pioneered by users. Plans are being made to improve the Treadwell Ditch Trail which will lead to increased use of the Gastineau Meadows Access to the Ditch. The proposed Gastineau Meadows Trail improvements are an effort to consolidate the existing braided trails through the meadow and prevent further erosion and damage to the meadow as use increases. The improved trail will provide access to the Treadwell Ditch with gentle grades and a solid mud free surface improving access for a much larger range of user abilities.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Gravel surfacing for this trail has been determined to be the best solution for improving the trail. Gravel is a natural material that does not pollute the environment like planking and it is a much longer term solution because it does not rot. It also provides a superior surface because it does not get slippery and it is considered an accessible surface.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

A felt type fabric will be placed over the existing ground. Approximately 1,827 cubic yards of 12" minus rock will be used for the trail bed with approximately 610 cubic yards of 1" minus gravel used as a capping material. The shot rock will be approximately 18" deep and will be poured so water can travel under and through the base of the trail. The capping material will be 6" deep and will provide a smooth surface for trail users.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

The proposed section of trail to be filled is roughly 4,700 feet long by 7 feet wide. Most of this trail is in forested wetlands or muskeg. Approximately 32,900 square feet or .76 of an acre of wetlands will be filled.

23. Is Any Portion of the Work Already Complete? Yes \_\_\_\_\_ No X IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list). The trail is on CBJ land and is not near any buildings.

STATE OF ALASKA/DNR-DL & WM, 400 WILLOUGHBY, JUNEAU AK, 99801

JLC PROPERTIES INC, PO BOX 20834, JUNEAU AK, 99802

ALASKA MENTAL HEALTH LAND TRUST, 550 WEST 7TH AVE STE 1430, ANCHORAGE AK, 99501

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

\*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

[Signature]  
SIGNATURE OF APPLICANT

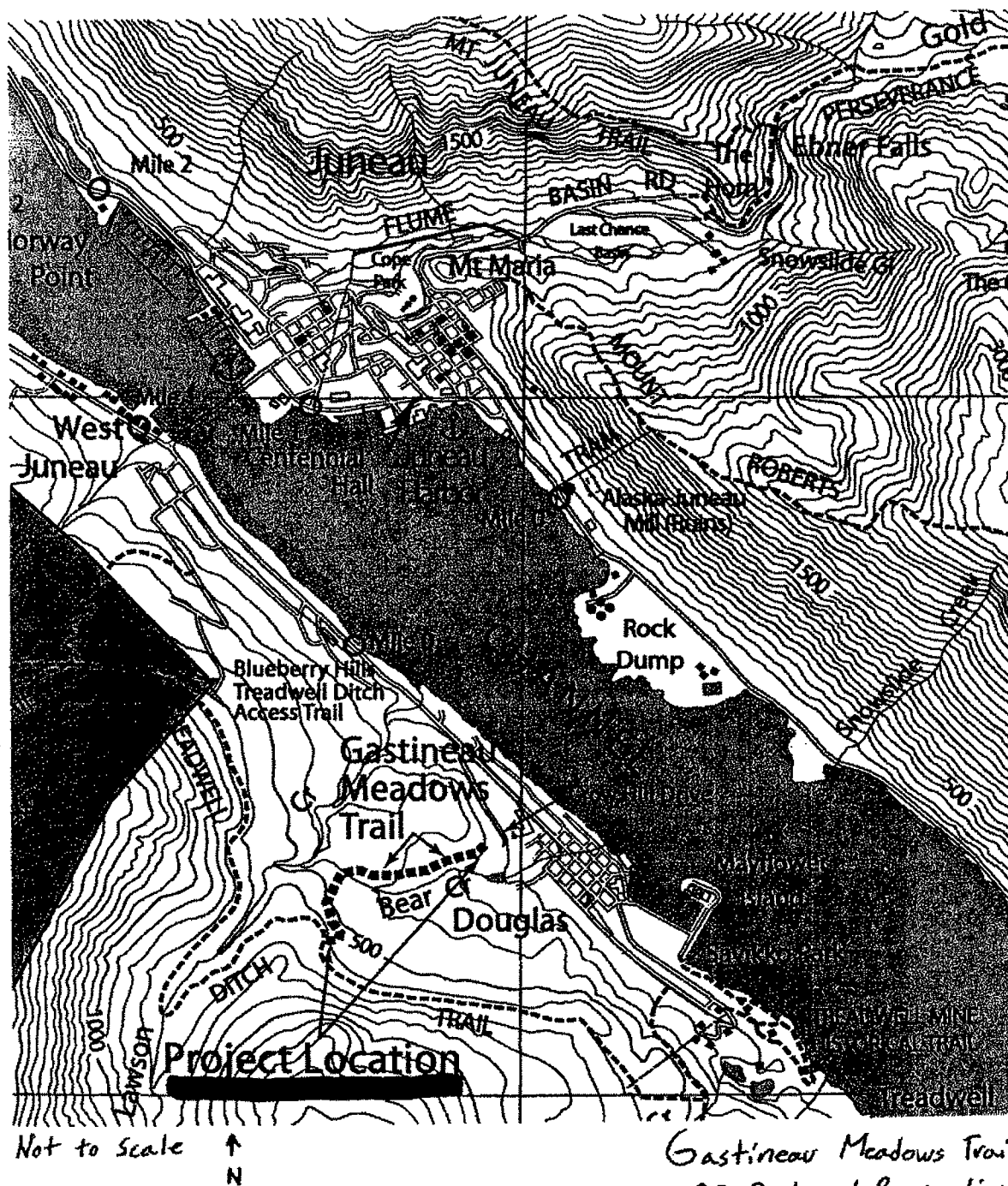
1/23/07  
DATE

[Signature]  
SIGNATURE OF AGENT

1/23/07  
DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



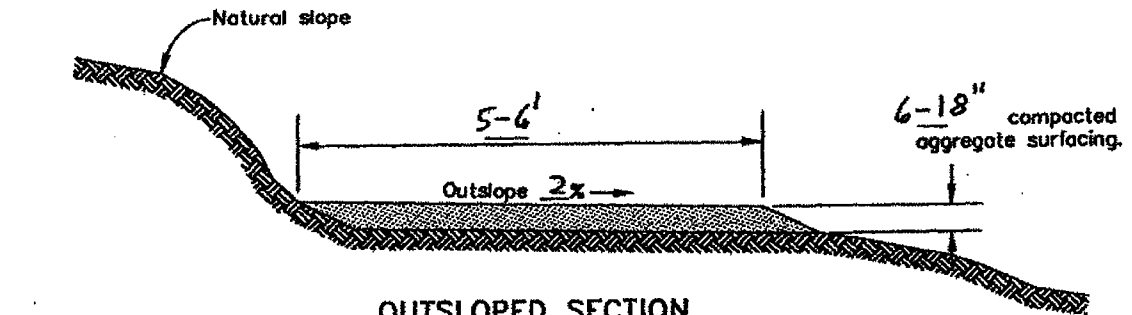
Gastineau Meadows Trail  
 CBJ Parks + Recreation  
 Vacinity Map



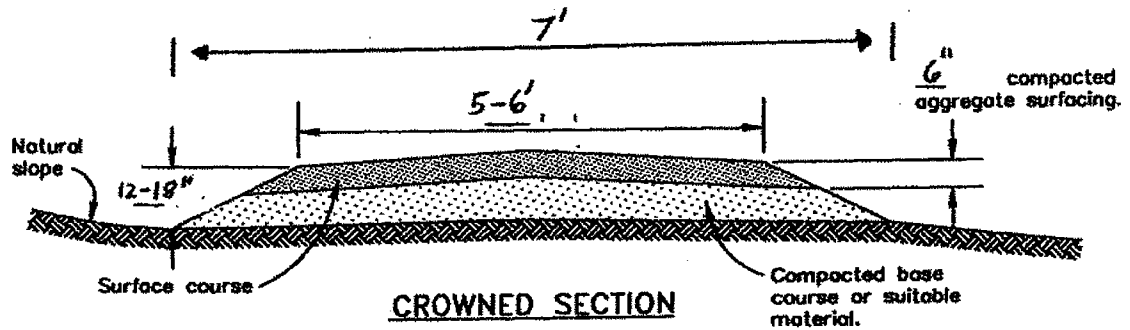


# AGGREGATE SURFACING

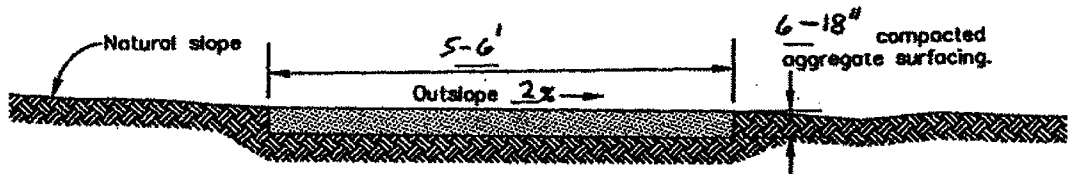
NOT TO SCALE



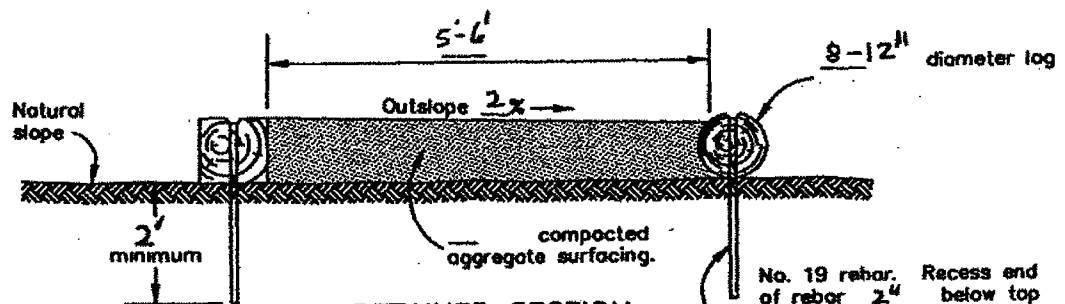
## OUTSLOPED SECTION



## CROWNED SECTION



## EXCAVATED SECTION



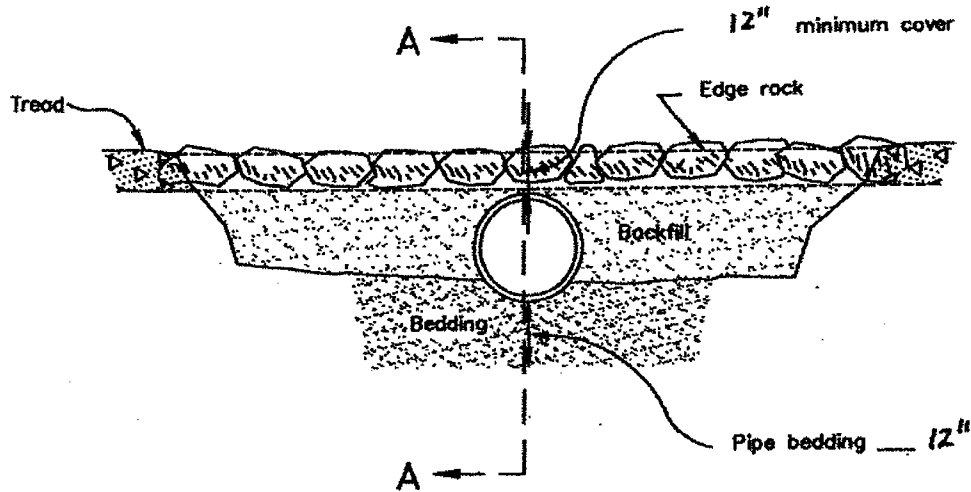
## RETAINER SECTION

No. 19 rebar. Recess end of rebar 2" below top of log/timber. Place rebar 2' from each end of log/timber with maximum rebar spacing of 3'

Gastineau Meadows Trail  
CBJ Parks + Recreation

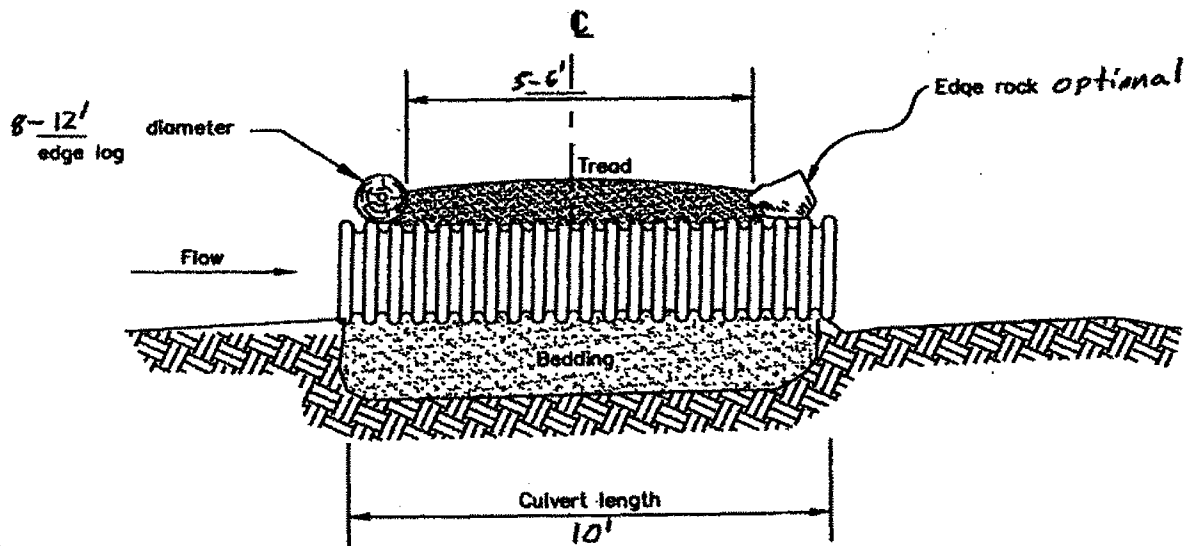
# CULVERT WITHOUT HEADWALLS - All culverts except # 2, 8+10 as seen on Plan View

NOT TO SCALE



END VIEW

Headwall rocks:  
20 minimum  
50% larger than  
30



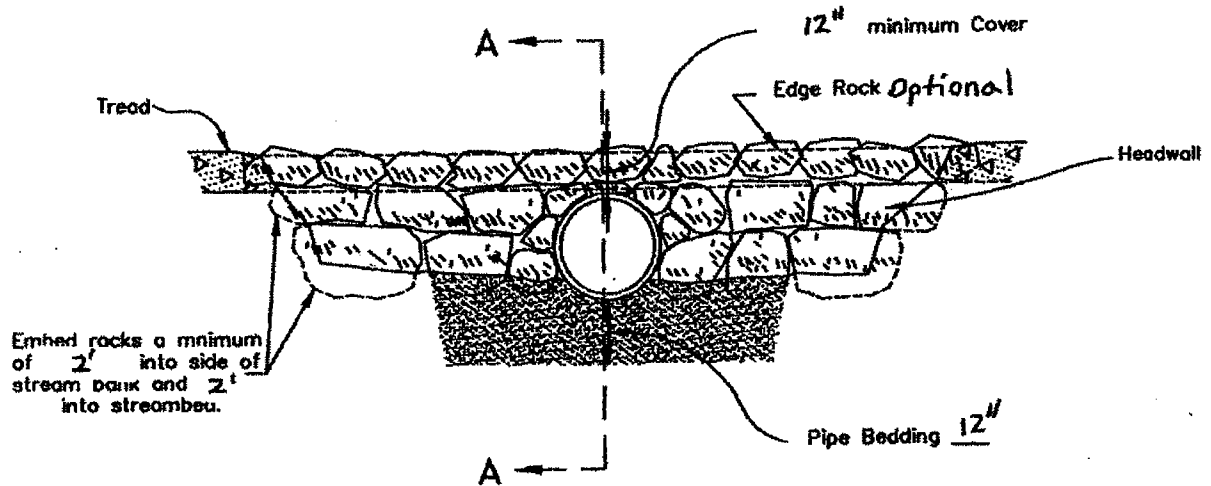
SECTION A-A

Gastineau Meadows Trail  
CBJ Parks + Recreation

# CULVERT WITH HEADWALLS # 2,8+10 as

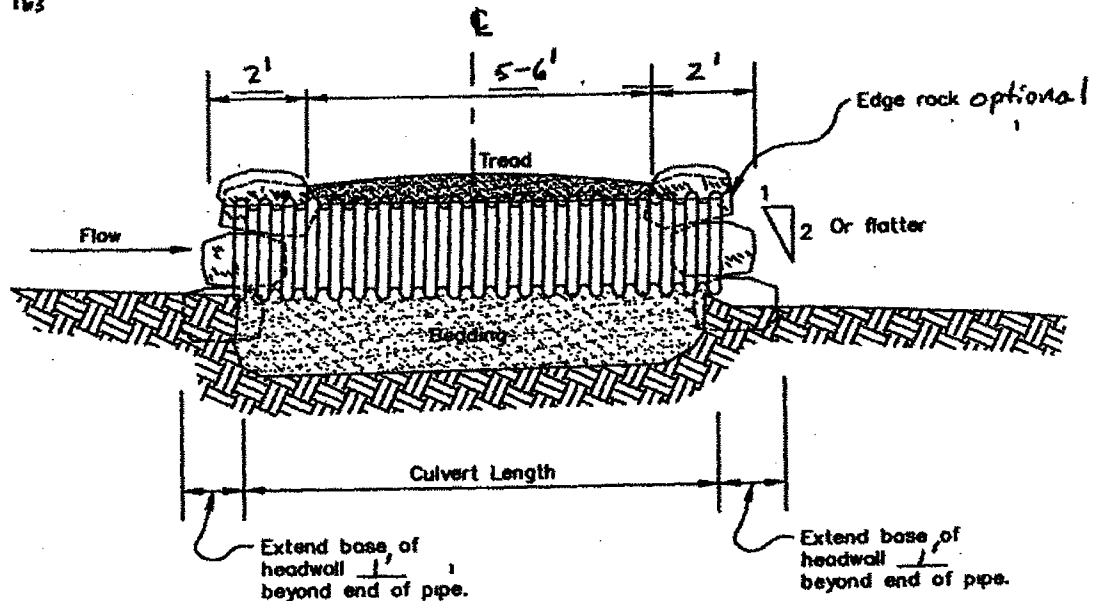
seen on Plan  
View

NOT TO SCALE



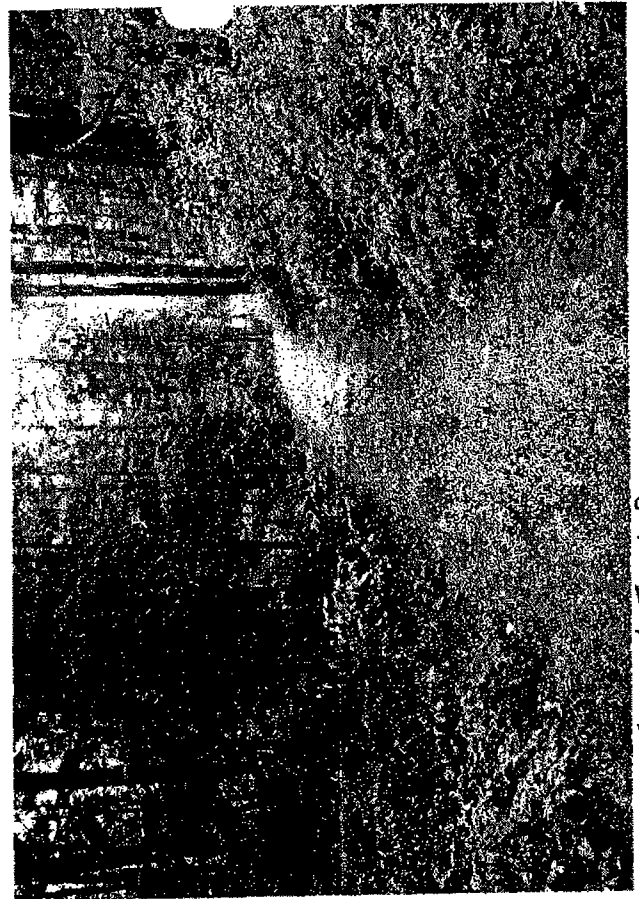
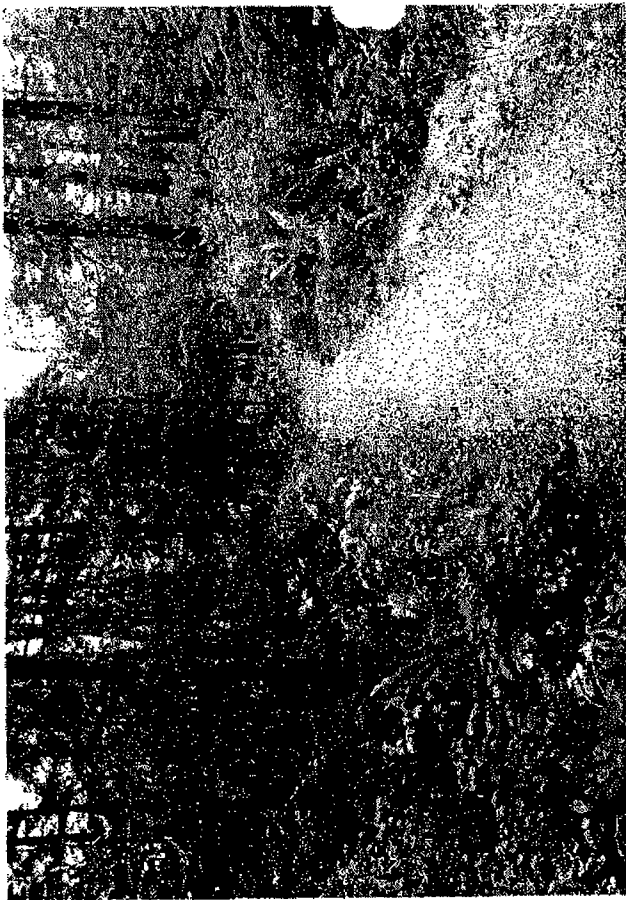
END VIEW

Headwall rocks:  
20 lbs minimum,  
50% larger than  
30 lbs



SECTION A-A

Gastineau Meadows Trail  
CBJ Parks + Recreation



Gastineau Meadows Trail, CBJ Parks + Recreation, Typical Trail Example

SARAH PALIN, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING  
302 GOLD STREET, SUITE 202  
JUNEAU, ALASKA 99801-1127  
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2007-295-4, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

Attachment 1

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

### DEPT. OF ENVIRONMENTAL CONSERVATION

#### DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2007-295-4**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
410 Willoughby Avenue  
Juneau, Alaska 99801-1795  
Telephone: (907) 465-5321  
FAX: (907) 465-5274

Attachment 2